

REMARKS

It is noted, with appreciation, that the Examiner has indicated that claim 13 is allowed and that claims 5-7, although objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-4 and 8-12 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Koyanagi et al. (U.S. Patent 5,584,107) in view of Nishino et al. (U.S. Patent 4,757,579). This rejection is respectfully traversed.

The present invention is directed to a coupling device for restraining belts, particularly for children's safety seats used in motor vehicles. The primary issue at hand is whether or not the prior art relied upon by the Examiner, that is, either the Koyanagi reference or the Nishino reference, teach, either alone or in combination, the use of a metal insert which is wholly covered by a plastic or rubber housing or coating in order to prevent possible burning injuries when the tongue of the buckle assembly is exposed to high temperature conditions.

It is believed that the relevancy of the Examiner's rejections with respect to the Applicants' inventive contribution is based upon a misinterpretation in the definition of the term "metal insert". It seems that according to the Examiner's opinion, the "metal insert" of the claim can be read in Nishino as a portion of the tongue plate, that is, that portion that is outside of the buckle when it is in the engaged state. On the contrary, it is the Applicants' opinion that the metal insert of the claim relates to the entire tongue plate. Thus, it is believed that the "metal

“insert” and “tongue plate” are merely different names for the same element and accordingly it is the Applicants’ opinion that this understanding is supported by the description and the drawings of the present application where reference is made to branches 12a and 12b as defining the “metal insert”.

The Examiner in supporting his argument that the tongue element of the prior art is wholly covered or coated, points to column 4, lines 17-29 to substantiate this position. However, it is the Applicants’ position that the Nishino patent contains the same deficiencies as the Koyanagi patent and thus the modification of the Koyanagi patent with the teachings of the Nishino patent cannot possibly suggest the present invention. Thus, the Nishino patent, although making reference to the use of a resinous material to cover the buckle body, does not appear to cover the tongue that engages the buckle. Thus, in column 4, lines 19-29 of the Nishino patent it would appear that while the buckle body cover is covered and the tongue plate exposed outside of the buckle, “in the engaged state” is also covered, with a protective resinous coating, by clear implication, the parts of the child restraining device which are in an engaged state are not covered with a protective coating. Thus, the language taken from the Nishino patent and reproduced on page 2a of the Examiner’s Office Action letter does not, in fact, support the Examiner’s position but, to the contrary, supports the Applicants’ position. Thus, lines 19-21 specifically state that the tongue plate which is exposed outside of the buckle, “in the engaged state” are covered with a protective resinous material. This recitation clearly implies that the parts of the child restraining device which are in an engaged state are not covered with the protective coating. Since the subsequent language in column 4 of the Nishino patent referred to by the Examiner must be read in context with the previous language recited in column 4, it is

clear that where reference is made between the clearance between the resin-coated buckle body and the resin-coated tongue plate, the patentee is not including that part of the metal insert which is engaged within the buckle body. Accordingly, it is the Applicants' position that the teachings of the Nishino patent do not supply the deficiencies of the Koyanagi patent in meeting the limitations of claim 1 of the present application wherein the metal insert is wholly covered by a plastic or rubber housing or coating.

In this connection, the Examiner further argues that the metal insert is undefined and that the portion of the Nishino patent that is wholly covered is considered to be the metal insert. In an effort to further define the metal insert, the Examiner will note that claim 1 has been amended to recite that the metal insert contains a first part extending into the attachment portion and a second part extending into the stem portion of the tongue element. It is believed that this addition to claim 1, when read in context with the remaining portions of claim 1, clearly defines the metal insert which is wholly covered by a plastic or rubber housing or coating.

The Examiner also argues on page 6 of the Office Action letter that the recitation that an element is "adapted to" perform a function, is not a positive limitation but only requires the ability to so perform and accordingly does not constitute a limitation in any patentable sense. As the Examiner will note, claim 1 has been amended to more specifically recite that the "body" is connected to at least one belt branch and that "a pair of tongue elements" is connected to respective belt branches. Hopefully, these modifications to claim 1 will satisfy the Examiner's objection with respect thereto.

As the Examiner will note, although claim 1 has been amended in response to the Examiner's recommendations, it is believed that the amendments made to claim 1 should not be considered to raise "new issues" in the prosecution of the present application since the subject matter added to claim 1 has been, in effect, taken from claim 3 which is already present in the instant application. Any other changes made to claim 1 or claim 3 are merely editorial in nature.

Accordingly, in view of the above amendments and remarks reconsideration of the rejections and objections and allowance of all of the claims in the present application are respectfully requested. In the event that the proposed Amendment does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present application into better condition for appeal.

Conclusion

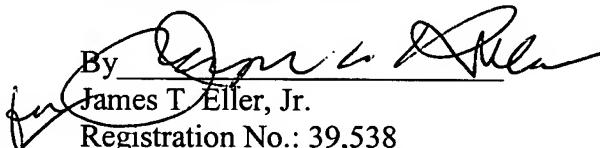
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch, Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. § 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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